

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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NANCY WILSON, Regional Director
of the Sixth Region of the
National Labor Relations Board,
for and on behalf of the
NATIONAL LABOR RELATIONS BOARD,

Petitioner

v.

Civil Number 1:18-cv-65

KRISE TRANSPORTATION, INC.

Respondent

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ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the Complaint and Petition of Nancy Wilson, Regional Director of the Sixth Region of the National Labor Relations Board (“the Board”), for and on behalf of the Board, for a temporary injunction pursuant to Section 10(j) of the National Labor Relations Act, as amended [29 U.S.C. § 160(j)], (“the Act”), pending the final disposition of the administrative matters involved pending before the Board in Board Case 06-CA-201673, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in the Complaint. The Court, upon consideration of the pleadings, evidence, memoranda, argument of counsel, and the entire record in this case, has made and filed its Findings of Fact and Conclusions of Law, finding and concluding that there is reasonable cause to believe that Respondent has engaged in, and is engaging in, acts and conduct in violation of Sections 8(a)(1), (3), and (5) of the Act, affecting commerce within the meaning of Sections 2(6) and (6) of the Act, and that such acts and conduct will likely be repeated or continued unless enjoined.

Now, therefore, upon the entire record, it is:

ORDERED, ADJUDGED AND DECREED that, pending final disposition of the matters involved pending before the Board, Respondent, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it or with them, be and they hereby are enjoined and restrained from:

(a) Failing and refusing to hire, or consider employees for hire, because of their activities on behalf of the International Brotherhood of Teamsters, Local 397 (“the Union”), or protected concerted activities, their prior membership in the Union, or in order to avoid a bargaining obligation with the Union;

(b) Failing and refusing to recognize and bargain with the Union as the exclusive collective-bargaining representative of its employees in the following bargaining unit:

[A]ll regular school bus drivers, van drivers, casuals and monitors employed by the Company at its Albion, Pennsylvania branch, excluding all office, clerical, janitorial/cleaning, security, maintenance, safety directors, safety instructors, third party testers, non CDL drivers, and all supervisors and management;

(c) Unilaterally, and without notice and bargaining with the Union, making changes in employees’ terms and conditions of employment; and

(d) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pending final disposition of the matters involved pending before the Board, Respondent, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it or with them, shall take the following affirmative action:

(a) Recognize and, upon request, bargain in good faith with the Union as its employees' exclusive collective-bargaining representative in the above-described unit concerning their wages, hours, and other terms and conditions of employment;

(b) Within five days of the District Court's Order, offer, in writing, immediate interim employment, in positions that are substantially similar to the ones they performed while employed at Student Transportation of Pennsylvania ("STA") under the terms and conditions of employment set forth in the collective-bargaining agreement between STA and the Union, to: Holly Graves, Brenda Mosko, Howard Tewell, Richard Otteni, Chris Lock, Dorothy Swift, Gayle Reed, Patricia Dombrowski, and Anita Gable, displacing, if necessary, employees who would not have been hired in the absence of Respondent's unlawful hiring practices. If, after displacing such employees, there are an insufficient number of positions for the discriminatees herein listed, then Respondent shall create a preferential hiring list and use it to fill positions as they become available;

(c) Upon the request of the Union, rescind any or all changes to the terms and conditions of employment that Respondent unlawfully implemented on or after July 1, 2017;

(d) Within ten days of the District Court's Order, hold a mandatory meeting or meetings during working hours at Respondent's Albion, Pennsylvania terminal, scheduled to ensure the widest possible audience, at which a responsible management official of Respondent shall read the District Court's Order in the presence of a Board Agent, or, at Respondent's option, a Board Agent shall read the District Court's Order in the presence of a responsible management official of Respondent;

(e) Post copies of the District Court's order at Respondent's Albion, Pennsylvania terminal in all locations where Respondent's notices to employees are customarily posted; said

postings shall be maintained during the pendency of the Board proceeding free from all obstructions and defacements; and,

(f) Within twenty days of the issuance of this Order, serve upon the District Court, and submit a copy to the Regional Director of the Sixth Region of the Board, a sworn affidavit from a responsible official of Respondent describing with specificity the manner in which Respondent has complied with the terms of the Court's order, including the locations of the documents to be posted under the terms of the order.

Done at Erie, Pennsylvania this ____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE